

Senate FW&M Committee Amendment No. 6

Amendment No. 10 to SB2334

McNally
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2334

House Bill No. 2353*

by deleting the period "." at the end of SECTION 2, Item 2, and by substituting instead the following:

; provided, however, no such expenditure for any such project shall be made until written notice of the Commissioner's recommendation and Building Commission's approval of such recommendation has been furnished to the Chairs of the Finance, Ways and Means Committees of the Senate and House of Representatives.

AND FURTHER AMEND by adding the following language to SECTION 2, Item 11, as a new appropriately designated subitem:

(f) On or before October 1, 2007, the Commissioner of Finance and Administration shall submit a detailed financial report to the Chairs of the Finance, Ways and Means Committees of the Senate and House of Representatives and to the Chair of the Corrections Oversight Committee concerning all activities of the "Sentencing Act of 1985 reserve account (established and maintained pursuant to TCA, § 9-4-210)" during fiscal year 2006 - 2007. The report shall indicate the account balance on July 1, 2006, and shall itemize all funds deposited into the reserve account as well as all funds allocated from the reserve account. For each such allocation from the reserve account, the report shall describe the purpose, amount and location of the allocation as well as any other information deemed to be informative by the Commissioner.

AND FURTHER AMEND by adding the following new items at the end of SECTION 10:

Item _____. From the funds appropriated to the department of transportation, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 1152 / House Bill 1204, relative to Tennessee tollways, if such bill becomes a law.

Item _____. From the funds appropriated to the department of transportation, there is earmarked the sum of \$190,000 for the sole purpose of completing the unfinished section of the service road (referred to as "Watkins Road") connecting to Highway 431 near the crossing of I-65 and State Route 840.

Item _____. From the funds appropriated to department of human services, there is earmarked the sum of \$123,900 for the sole purpose of implementing Senate Bill 437 / House Bill 356, relative to salaries for certain teachers at the Tennessee Rehabilitation Center in Smyrna, if such bill becomes a law.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$390,000 (of which \$45,000 is non-recurring) for the sole purpose of implementing Senate Bill 2040 / House Bill 1892, relative to the nursing home visitor program, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$440,300 for the sole purpose of implementing Senate Bill 230 / House Bill 252, relative to certain sex offenders, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$750,000 to the department of finance and administration for the sole purpose of making a grant in such amount to the Nashville Hall of Fame Songwriters Foundation, to be used for planning, site acquisition, construction and operation of a Songwriters Hall of Fame.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient not to exceed \$125,000 for the sole purpose of implementing Senate Bill 109 / House Bill 723, relative to the motor vehicle fleets of state agencies and institutions, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 to the department of finance and administration for the sole purpose of making a grant in such amount to the Philadelphians Prison Ministries, Inc., to be used for HELP House.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the department of health for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the department of health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee Attorney General's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 to the department of health for the sole purpose of making a grant in such amount to the Crumley House located in Washington County, to be used for the provision of programs and services on behalf of persons suffering from traumatic brain injuries.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,057,600 for the sole purpose of implementing

Senate Bill 1069 / House Bill 1011, relative to residential homes for the aged, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient not to exceed \$2,250,000 for the sole purpose of implementing Senate Bill 1050 / House Bill 1629, relative to property tax relief for elderly and disabled homeowners, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$823,000 (of which \$60,000 is non-recurring) for the sole purpose of implementing Senate Bill 1052 / House Bill 1935, relative to the West Tennessee River Basin Authority, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 to the department of education for the sole purpose of making a grant in such amount to Education Equal Opportunity Group, Inc. in Nashville, to be used for programs and services for at-risk students.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 1946 / House Bill 2138, relative to alternative schools, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,000 to the administrative office of the courts for the sole purpose of continuing judicial / legal education.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$109,800 for the sole purpose of implementing Senate Bill 450 / House Bill 287, relative to firefighter educational incentive pay, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$103,000 (of which \$1,000 is non-recurring) for the

sole purpose of implementing Senate Bill 1974 / House Bill 2158, relative to taxes levied on alcoholic beverages sold for consumption on premises, if such bill becomes a law.

Item ____.

(a) It is hereby recognized that Senate Bill 1719 / House Bill 2084 will result in a revenue loss of \$500,000, if such bill becomes a law.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) for the sole purpose of implementing Senate Bill 1719 / House Bill 2084, relative to a franchise tax credit for certain business entities, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Ned McWherter Center for Rural Development for the sole purpose of services and programs.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$105,000 for the sole purpose of implementing Senate Bill 140 / House Bill 107, relative to the offense of allowing vicious dogs to run at large, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) for the sole purpose of implementing Senate Bill 1740 / House Bill 1826, relative to biodiesel fuel, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (non-recurring) to Roane State Community College for the sole purpose of providing funding assistance for capital outlay.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,850,000 for the sole purpose of implementing

Senate Bill 28 / House Bill 157, relative to disabled veteran property tax relief, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Tennessee Historical Society for the sole purpose of providing funding assistance for the four (4) district competitions, held throughout the state, associated with Tennessee History Day.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the University of Memphis for the purpose of administering a statewide Smart Tennessee financial literacy pilot project in up to twenty-five (25) schools.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,800,000 to the department of health for the sole purpose of providing HIV / AIDS services.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Secretary of State for the sole purpose of providing pre-planning fees (including architectural fees), related to development of the new Tennessee State Library and Archives Building at the Bicentennial Mall in Nashville.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$8,950 (non-recurring) to the Recording for the Blind & Dyslexic Tennessee Unit for the sole purpose of purchasing recording equipment and professional materials for the blind, visually impaired and learning disabled.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$750,000 (of which \$150,000 is non-recurring) for the sole purpose of implementing Senate Bill 2059 / House Bill 2127, relative to certification and education of municipal finance officers, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to implement all bills, having an estimated first year's cost of \$100,000 or less, which become law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$480,000 (of which \$280,000 shall be non-recurring) for the sole purpose of implementing Senate Bill 2 / House Bill 1033, relative to the optional local program of property tax relief for certain elderly homeowners, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to Juvenile Court of Shelby County for the sole purpose of programs and services.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$23,520,400 for the sole purpose of implementing Senate Bill 1967 / House Bill 1835, relative to the use of a firearm during the commission of a felony, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring), to the department of education for the sole purpose of implementing a secondary education virtual school pilot project to provide curriculum for at-risk students as well as credit recovery, core, elective and advanced placement courses through a single point of entry.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 to the commission on aging and disabilities for the sole purpose of making a grant in such amount to the endowment fund of Senior Citizens Services, Inc. of Shelby County, to be used for ongoing support of the Ruth E. Tate Senior Center.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 to the department of health for the sole purpose of making a grant in such amount to Memphis Health Center, Inc., to be used for improving access to prenatal and obstetrical care in medically underserved areas plagued by high rates of infant mortality.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$175,002 to the administrative office of the courts for the sole purpose of funding in equal amounts full-time child support referees for the Anderson County 7th Judicial District, Chancery Court; the 16th Judicial District; and the 19th Judicial District.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,500,000 (non-recurring) to the department of labor and workforce development, division of adult education to be used for adult education.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$855,000 for the sole purpose of implementing Senate Bill 869 / House Bill 290, relative to salary supplements for certain police and firefighters, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$536,000 for the sole purpose of implementing Senate Bill 2302 / House Bill 2170, relative to basic term life insurance and basic accidental death and dismemberment insurance for certain employees, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$14,100,000 to the department of finance and administration for the sole purpose of a one percent (1%) across-the-board salary increase for state

employees. It is the legislative intent that the salary increase provided for state employees pursuant to this item shall be in addition to any other salary increase provided to state employees by other provisions of this act.

Item _____. It is hereby recognized that Senate Bill 616 / House Bill 934 will result in a revenue loss of \$112,000, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,500,000 (non-recurring) to the department of finance and administration for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item _____.

(a) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) for the sole purpose of implementing Senate Bill 2003 / House Bill 1797, relative to the Tennessee Agricultural Ethanol Production Act, if such bill becomes a law.

(b) It is hereby recognized that Senate Bill 2003 / House Bill 1797 will result in a revenue loss of \$1,672,500, if such bill becomes a law.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 to the Tennessee Arts Commission for the sole purpose of matching federal grant funds for the Value Plus Schools program.

Item _____.

(a) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$116,500 to the Tennessee historical commission for the sole purpose of defraying operating expenses associated with the various state-owned historical sites.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 to the Tennessee wars commission for the sole purpose of battlefield preservation, battlefield monuments and markers, and battlefield educational materials.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the secretary of state for the sole purpose of acquiring radio frequency I.D. identifiers to safeguard and preserve documents housed at the Tennessee state library and archives.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 to the secretary of state for the sole purpose of acquiring additional databases for the Tennessee electronic library.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$356,800, (of which \$58,000 shall be non-recurring) to the Tennessee state museum for the sole purpose of artifact acquisition; completion of the flag book project; and employment of three (3) curatorial assistants, one (1) curator of social history, and one (1) curator of natural history; .

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$373,237 to the comptroller of the treasury for the sole purpose of creating one (1) additional staff position within the division of bond finance; three (3) additional audit positions within the division of municipal audit; and one (1) additional administrative secretary position within the division of state assessed properties.

Item _____. No funds shall be expended under this act for any contract or grant entered into by the department of health for the provision of family planning services that permits the use of any such funds for the performing of an abortion in violation of Tennessee Code Annotated, § 9-4-5116.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the department of mental health and developmental disabilities for the sole purpose of making a grant in such amount to Tennessee Mental Health Association, to be used for implementing a public awareness and education campaign.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 to the commission on children and youth for the sole purpose of funding ten (10) new Court Appointed Special Advocate (CASA) programs in previously unserved counties.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$950,866 (of which \$126,966 shall be non-recurring) to the department of veterans affairs for the sole purpose of employment of nine (9) veteran benefit specialists, four (4) veteran claims specialists, one (1) secretary, one (1) administrative assistant, cemetery staffing and grounds workers, and the following operations: travel expenses, furniture and partitions for claims division, research materials and training supplies, cemetery building maintenance, vehicle operations and repairs, and maintenance and upkeep of perpetual care grounds.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the University of Tennessee municipal technical advisory service for the sole purpose of providing technical assistance to municipal utilities.

Item _____.

(a) It is hereby recognized that Senate Bill 568 / House Bill 470, relative to reducing the sales tax rate on food and food ingredients for human consumption, will result in a revenue loss of \$38,855,000, if such bill becomes a law and reduces such sales tax rate.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) for the sole purpose of implementing Senate Bill 568 / House Bill 470, relative to reducing the sales tax rate on food and food ingredients for human consumption, if such bill becomes a law and reduces such sales tax rate.

(c) It is hereby recognized that Senate Bill 568 / House Bill 470, relative to a one-time sales tax holiday, will result in a revenue loss of \$11,000,000, if such bill becomes a law and establishes such one-time sales tax holiday.

(d) In addition to any other funds appropriated by the provisions of this act, there is appropriated \$3,300,000 for the sole purpose of implementing Senate Bill 568 / House Bill 470, relative to a one-time sales tax holiday, if such bill becomes a law and establishes such one-time sales tax holiday.

Item ___. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the following agencies sums certain to address compensation issues:

Office of the attorney general and reporter	\$279,000
Secretary of State	\$447,000
Comptroller of the Treasury	\$670,000
Administrative Office of the Courts	\$500,000

In addition, from departmental revenues, the treasury department is appropriated the sum of \$202,100 for addressing compensation issues.

Item ___. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$892,600 (recurring) to the general assembly to address compensation and personnel issues to be allocated as follows:

House of Representatives	\$200,000
Senate	\$200,000

Other compensation issues

\$492,600

From the allocation made to the house of representatives, three (3) new administrative support positions are hereby created. From the allocation made for compensation issues, a sum of \$27,600 may be allocated to the fiscal review committee; provided that, prior to the allocation of such funds, the director of the fiscal review committee shall file a compensation plan with the speaker of the house of representatives and the speaker of the senate and such plan shall be approved by such speakers.

Item ____.

(a) In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Education the sum of \$600,000 for the purpose of establishing the Office of Achievement Gap Elimination and creating six (6) new full time positions. It is the legislative intent that the office work with high priority schools in order to help close achievement gaps that may exist within subgroups such as students with disabilities, economically disadvantaged and other subgroups, as appropriate. The Office of Achievement Gap Elimination may be co-located with Field Services Center offices as the Department may determine.

(b) In addition the appropriation made by sub-item (a), subject to the approval of the Commissioner of Finance and Administration, there is hereby appropriated a sum sufficient not to exceed \$2,250,000 for the purpose of establishing additional exemplary educators positions, and related expenses, as necessary to assist schools that are identified as high priority schools.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient from the general fund, not to exceed \$15,000, to the department of transportation for the sole purpose of providing signage to implement bills and joint resolutions naming roads, highways or bridges, if such bills and

joint resolutions are duly enacted or adopted during the 2007 session of the 105th general assembly.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$123,500,000 (non-recurring) to the department of finance and administration for the sole purpose of funding authorized capital projects in lieu of issuing bonds for such purposes. The department of finance and administration is authorized to adjust the appropriation in Section 1, Title III-31, for the amortization of authorized and unissued bonds accordingly.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of increasing the employer matching contribution up to a maximum of fifty dollars (\$50) per month for each employee authorized to participate in the state employee 401(k) program pursuant to § 8-25-303.

Item _____. Notwithstanding any provision of this act to the contrary, all revenues generated by the additional tax rate of one-tenth of one cent (0.1¢) per cigarette imposed by §67-4-1004(d)(1) shall be deposited in the trauma system fund created by the "Trauma Center Funding Law of 2007" (Senate Bill 1503/ House Bill 1613), if such bill becomes a law. Such funds shall be distributed as required by such law.

Item _____. In addition to the appropriations elsewhere in this act, if Senate Bill 1503 / House Bill 1613 does not become law, there is appropriated to the Department of Health from the general fund an amount equivalent to revenues collected from the additional one-tenth of one cent (0.1 cent) tax rate increase on cigarettes levied by Senate Bill 2326 / House Bill 2354, if the latter bill becomes law, for the purpose of making grants or payments to level I, II, and III trauma centers licensed by the Department of Health pursuant to Tennessee code annotated title 68, chapter 11, part 2, and rule 1200-8-12.03 of the Tennessee rules and regulations; comprehensive regional

pediatric centers, defined as pediatric in-patient hospitals licensed by the department pursuant to Tennessee code annotated, title 68, chapter 11, part 2, and rule 1200-8-30.01(4) of the Tennessee rules and regulations; and other acute care hospitals which provide levels of treatment for trauma patients that are at least as great as the lowest level provided by one of the designated trauma centers.

From the appropriation in this item, an amount not to exceed \$88,400 may be used for administrative expenses of the department and two positions are authorized. At June 30, 2008, the unexpended balance of the appropriation in this item shall be carried forward in a reserve to be available in the succeeding fiscal year for the purpose of this item.

The trauma system grants made from the funds appropriated in this item shall be awarded by the Commissioner of Health based on the following principles: (a) Designated trauma centers of all levels and comprehensive regional pediatric centers shall receive a grant or payment based upon the documented costs associated with maintaining required standards for designation; (b) uncompensated care costs associated with trauma patients and the trauma service codes shall be the basis for payments to such trauma centers, comprehensive regional pediatric centers, and other acute care hospitals functioning as part of the trauma system; (c) payments related to uncompensated care costs shall be made on a proportional basis related to actual patient volume and losses incurred; (d) the readiness costs associated with a documented risk of achieving or losing designation as a designated trauma center of any level may be considered if determined to be appropriate by the commissioner; and (e) the total of all grants and payments shall not exceed the revenues appropriated in paragraph one of this item, and the commissioner is authorized to prorate all grants or payments as necessary to comply with this condition.

For purposes of this item, “trauma patient” means a patient who is on the State Trauma Registry or the National Trauma Registry of the American College of Surgeons; “trauma service codes” means the ICDA-9-CM discharge codes designated as trauma service codes by the American College of Surgeons, Committee on Trauma; “uncompensated care” means care provided by a facility specified in this item to a trauma patient who has no medical insurance, including federal Medicare Part B coverage; is not eligible for medical assistance coverage; has no medical coverage for trauma through workers’ compensation, automobile insurance, or any other third party, including any settlement or judgment resulting from such coverage; and has not paid for the trauma care provided by the trauma provider after documented attempts by the trauma care services provider to collect payment.

AND FURTHER AMEND by deleting the following paragraph from SECTION 23:

No state agency shall establish new programs nor expand programs, including any programs involving federal or other funds, beyond the scope of those already established, recognized and approved by the legislature, as reflected in the revised summaries cited above, until the program and the availability of the money is submitted by the Commissioner of Finance and Administration to the Finance, Ways and Means Committee chairmen and until said committee chairmen have acknowledged in writing receipt thereof, to the Commissioner of Finance and Administration. Provided, however, that capital outlay program projects and the availability of funding shall be submitted to the State Building Commission to be acknowledged. When submitted, a copy of operational budget expansion reports shall be provided to the Fiscal Review Committee executive director and the Office of Legislative Budget Analysis director for information purposes.

and by substituting instead the following:

For the purposes of this paragraph, the term "departmental revenues" means earnings or charges for goods or services; or donations, contributions or participation by political subdivisions, foundations, corporations, firms or persons. For purposes of this paragraph, the term "state revenues" means the proceeds of taxes, licenses, fees, fines, forfeiture or other imposts laid specifically by state law. No state revenues shall be expended by any state agency unless such revenues are appropriated by the general assembly, as reflected in the provisions of this act and the revised summaries cited above. No state agency shall establish any new programs or expand any existing programs, beyond the scope of those already established, recognized and approved by the general assembly, as reflected in this act and the revised summaries cited above, unless each such new or expanded program is funded entirely from unanticipated or excess departmental revenues or federal revenues. However, no such expenditure of unanticipated or excess departmental revenues or federal revenues shall occur until written notice of the program and the availability of unanticipated or excess departmental revenues or federal revenues is submitted by the Commissioner of Finance and Administration to the Chairs of the Finance, Ways and Means Committees of the Senate and House of Representatives and until said committee chairs have acknowledged in writing receipt of such written notice; provided further, however, written notice of any new or expanded capital outlay program and the availability of unanticipated or excess departmental revenues or federal revenue funding shall also be submitted to the State Building Commission for acknowledgement of receipt. When submitted, a copy of operational budget expansion reports shall be provided to the Fiscal Review Committee executive director and the Office of Legislative Budget Analysis director for information purposes.

AND FURTHER AMEND by deleting Item 8 of SECTION 43, which reads as follows:

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Item 8. From the appropriations made in Section 1, Title III, and Section 4, Title III, but excluding Title III-1 in both sections, the Commissioner of Finance and Administration is authorized to reallocate a sum sufficient to provide for the establishment and operation of a state office in Washington, D.C. The Commissioner of Finance and Administration shall report to the Chairmen of the Senate and House Finance, Ways and Means Committees the amounts reallocated by the agency.

AND FURTHER AMEND by deleting Item 2 of Section 47 in its entirety and by substituting instead the following:

Item 2. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2008, the Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$750,000,000 on June 30, 2008.

AND FURTHER AMEND by deleting from SECTION 49, Item 1, as amended, the language "two percent (2%)" and by substituting instead the language "three percent (3%)".

AND FURTHER AMEND by deleting SECTION 52 in its entirety and by substituting instead the following:

SECTION 52.

Item 1. From the Lottery for Education Account, the After-School Programs Special Account, and other accounts and sub-accounts established pursuant to Tennessee Code Annotated, Title 4, Chapter 51, the Tennessee Education Scholarship Implementation Law, sums sufficient hereby are appropriated for the higher education

scholarships programs and other education programs authorized by that law and by Tennessee Code Annotated, Title 49, Chapter 4, Part 9, relative to higher education scholarships; Title 49, Chapter 6, Part 1, relative to early childhood education and pre-kindergarten programs; and Title 49, Chapter 6, Part 7, relative to after-school educational programs. The appropriations from these sources for pre-kindergarten and early childhood education programs pursuant to Title 49, Chapter 6, Part 1, shall not exceed twenty-five million dollars (\$25,000,000) and for after-school programs pursuant to Title 49, Chapter 6, Part 7, shall not exceed the balance available in the After-School Programs Special Account at June 30, 2007, and such balance hereby is appropriated for expenditure in the fiscal year beginning July 1, 2007; provided, that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships. The availability of excess funds shall be determined by the Commissioner of Finance and Administration prior to the distribution of any excess funds. A copy of such determination shall be filed with the chairs of the Select Committee on the Tennessee Education Lottery Corporation and the Office of Legislative Budget Analysis. From the Lottery for Education Account, a sum sufficient is appropriated to the Comptroller of the Treasury for a longitudinal pre-kindergarten study.

Item 2. Higher Education Lottery Scholarship award amounts for the 2007-2008 academic year shall be:

(a) \$4,000 for an eligible student under the HOPE scholarship award pursuant to § 49-4-914(a);

(b) \$2,000 for an eligible student under the HOPE scholarship award pursuant to § 49-4-914(b);

(c) \$1,500 for an eligible student under the ASPIRE need-based supplemental award pursuant to § 49-4-915;

(d) \$1,000 for an eligible student under the General Assembly Merit Scholar supplemental award pursuant to § 49-4-916;

(e) \$2,000 for an eligible student under the Wilder-Naifeh Technical Skills Grant pursuant to § 49-4-921;

(f) Pursuant to the provisions of Section 49-4-920, the award amount for an eligible student under the Tennessee HOPE access grant shall be \$2,750 at four-year schools and \$1,750 at two-year schools; and

(g) The award amount for an eligible student under the Tennessee HOPE foster child tuition grant shall be determined under the provisions of Section 49-4-933.

Item 3. From interest earnings attributable to the lottery for education account, there is appropriated the sum of \$10,000,000 to the Tennessee student assistance corporation for the sole purpose of supplementing Tennessee student assistance awards.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient from the lottery for education account for the sole purpose of implementing Senate Bill 611 / House Bill 653, relative to postsecondary financial assistance, if such bill becomes a law.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient from the lottery for education account, not to exceed \$200,000,000, for the sole purpose of implementing any provisions of Senate Bill 611 / House Bill 653, relative to creation of the Tennessee student assistance fund, if such bill becomes a law and such fund is created by the bill.

AND FURTHER AMEND by deleting the following language from the bill, as amended by Senate FW&M Committee Amendment No. 2 (draft no. 00988095):

(a) Senate Bill 790 / House Bill 1837, relative to aggravated robbery second offenses and the 85 percent of sentence classification, the sum of \$5,414,300; (b) Senate Bill 1332 / House Bill 1834, relative to street terrorism, the sum of \$7,399,600;

AND FURTHER AMEND by deleting the following language from the bill, as amended by Senate FW&M Committee Amendment No. 2 (draft no. 00988095:

(12) TWRA – Fishing Trail – Land acquisition and planning..... 2,600,000

and by substituting instead the following:

(12) TWRA – Fishing Trail – Planning..... 500,000

AND FURTHER AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The department of human services is directed to review and analyze the current rate system for compensating child care providers who provide child care services on a subsidized basis for TANF beneficiaries. Such study shall examine market rates, provider costs, availability of services, demand for services, as well as the direct and indirect impact of the current rate system on the success and/or failure of TANF policies and objectives. The department shall also examine the feasibility, cost, benefits and other related matters relative to revising the current rate structure upward to the 45th percentile of current market rates or beyond. Not later than November 1, 2007, the department shall publish a written report of its findings and recommendations and shall deliver copies of such report to the governor; the speaker of the senate; the speaker of the house of representatives; the chairs of the finance, ways and means committees of the senate and house of representatives; the chair of the general welfare,

health and human resources committee of the senate; and the chair of the children and family affairs committee of the house of representatives.

SECTION _____. The commissioner of finance and administration is authorized and encouraged to allocate a portion of the funds appropriated in this act, for smoking cessation programs, to the bureau of TennCare in order to provide smoking cessation programs specifically targeting TennCare enrollees. It is the legislative intent of this section to maximize the availability of federal funds for smoking cessation activities to the extent that the commissioner determines that utilizing state funds through the TennCare program is both appropriate and beneficial.

SECTION _____. Notwithstanding any provision of this act to the contrary, the allocation to reserve made for the federal REAL ID Act is reduced by the sum of \$25,500,000.

SECTION _____. Notwithstanding any other provision of this act to the contrary, the \$10,000,000 appropriation made to the department of health for tobacco-use prevention is non-recurring.

SECTION _____. Notwithstanding any other provision of this act to the contrary, \$12,000,000 of the sum appropriated by this act to land acquisition funds is non-recurring.

SECTION _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$6,984,400 to the department of finance and administration for the purpose of restoring the proposed reduction for higher education insurance rate adjustments.

SECTION _____.

(a) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty million dollars (\$20,000,000) to the secretary of state

for the sole purpose of implementing the community enhancement grant program in accordance with the provisions of this section.

(b) Community enhancement grants shall only be available to support:

(1) Public safety activities, including, but not limited to, those related to local law enforcement, fire and life safety, programs designed to address local drug programs, advocacy for children and other vulnerable populations, and other criminal justice programs;

(2) Educational initiatives, including, but not limited to, those related to local schools and school support organizations, efforts to address significant local education issues such as summer reading programs, and other initiatives that address educational needs;

(3) Cultural activities, including, but not limited to, those related to enhancing opportunities provided by museums, libraries, and historic sites, and activities supporting other local cultural endeavors; or

(4) Community development activities, including, but not limited to, those related to serving the unique needs of various segments of the population, such as the elderly and youth, through supporting program offerings provided through local recreational and community facilities, senior citizens centers, boys and girls clubs, and the like.

(c) Grant proceeds must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance.

(d) Notwithstanding any provision of this act to the contrary, a community enhancement grant to a governmental or non-governmental agency or entity shall not be disbursed until the recipient has filed with the secretary of state a plan specifying the proposed use of such funds in accordance with the purposes enumerated in subsection

(c) of this section and the benefits anticipated to be derived therefrom. As a prerequisite to the receipt of such grant, the recipient shall agree to provide to the secretary of state, within ninety (90) days of the close of the fiscal year within which such grant was received, an accounting of the actual expenditure of such funds, including a notarized statement that the report is true and correct in all material respects; provided, however, that the secretary may require, in lieu of the accounting as provided above, an audited financial statement of the governmental or non-governmental agency or entity. A copy of such accounting or audit, as the case may be, shall be filed with the office of the comptroller of the treasury.

(e) No community enhancement grant shall be disbursed to a non-governmental agency or entity until the recipient of such grant has presented evidence to the secretary that such recipient is a not-for-profit corporation, nonprofit association, or similar non-profit organization. For purposes of this subsection (e), any one (1) of the following shall constitute evidence that a recipient is a not-for-profit corporation, nonprofit association, or similar non-profit organization:

(1) Documentation from the internal revenue service recognizing the grant recipient as holding a determination of exemption as a 501(c) organization; such documentation shall be supported by an affidavit from the 501(c) organization's chair, president or chief administrative officer affirming that the organization's 501(c) status has not been revoked;

(2) A copy of the charter of a not-for-profit corporation;

(3) Documentation that a grant recipient holds property tax exempt status;

(4) A copy of organizational documents and any other documents that prove to the satisfaction of the secretary that a grant recipient has been in continuous and active existence as a non-profit organization located in

Tennessee for at least two (2) calendar years immediately preceding the fiscal year in which such grant shall be made; such documentation shall be supported by an affidavit signed by the organization's chair, president or chief administrative officer affirming that the organization has been in continuous and active existence in Tennessee for at least two (2) calendar years immediately preceding the fiscal year in which such grant shall be made; or

(5) An affidavit signed by the county mayor, or county executive, from the county where the grant recipient is located affirming that the grant recipient is a not-for-profit corporation, nonprofit association, or similar non-profit organization.

(f) Notwithstanding any provision of this act to the contrary, if multiple grants are allocated to the same recipient, then such recipient shall be awarded the sum total of such multiple grants.

(g) Grants shall be awarded in accordance with the following procedure:

(1) Organizations shall apply for grants to the secretary of state no later than August 15, 2007 and shall include such information as the secretary of state deems appropriate.

(2) The secretary of state shall make grants to applicants as the secretary deems appropriate and in such amounts as the secretary determines appropriate. In making determinations relative to grant awards, the secretary of state is authorized to take into account factors the secretary deems relevant, including the benefits of making the grant.